IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 864/06
(Smt. Sunita Vs. State of Rajasthan & Anr.)

Date of Order : 11/12/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Ramesh Purohit for the petitioner.
Mr. Ashok Upadhyay, public prosecutor for the State.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner seeks quashing of FIR No.85/06 Police Station, Baneda for the offences under Sections 3/7 and 3/8 of the Essential Commodities Act.

Learned counsel for the petitioner submits that the allegation against the present petitioner is that the complainant heard in the village that the petitioner is charging the amount in excess of the rate prescribed. Learned counsel has placed on record the order dated 01.7.2006 issued by Food and Civil Supply Department, Govt. of Rajasthan wherein it has been provided that if the distance of the address of the consumer is more than 15 kilometers and within 30 kilometers from the Gas

Agency, then Rs. 1 per kilometer (maximum Rs. 15/-) is permissible as additional transport charges.

Learned public prosecutor submits that the matter has not so far been investigated in the light of this letter. The police may investigate the matter in the light of this letter and if from this letter no case is made out then the report may be filed accordingly.

Having regard to the facts and circumstances of the case and the statement of the public prosecutor as also the fact that the Investigating Officer is present in the Court with the case diary, let the Investigating Officer may investigate the matter in the light of the letter dated 1.7.2006 and if case falls within the purview of this letter, then file the report accordingly. In the meantime, no coercive action be taken against the petitioner.

The criminal misc. petition is accordingly disposed of.

(H.R.PANWAR),J.

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